

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Banwari and ors.
Vs.
State

SB CRIMINAL MISC.PETITION NO.2482/2006
under Section 482 Cr.P.C.

Date of order :-

19/12/2006.

PRESENT

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Anil Upman for the petitioners.
Mr. Arun Sharma P.P. for the State.

BY THE COURT:-

The instant petition has been filed by the accused-petitioners under Section 482 Cr.P.C. which seeks quashing of F.I.R. No.336/2006 P.S. Pragpura, District Jaipur for offences under Sections 420, 467, 468, 471, 120-B IPC and Section 3(4)(5) of the SC/ST (Prevention of Atrocities) Act, 1989 (in short, "Act of 1989").

The relevant facts are that Manna, the complainant submitted a complaint before the court of learned Additional Civil Judge (Junior Division) cum-Judicial Magistrate Ist Class, Kotputli which was forwarded to the S.H.O. P.S. Pragpura for investigation under Section 156(3) Cr.P.C. whereupon, F.I.R. No.336/2006 came to be registered wherein it was alleged that the petitioners entered into a criminal conspiracy and got a forged sale-deed executed in favour of Banwari in respect of the land

in question belonging to the father of the complainant. The petitioners have, therefore, invoked inherent jurisdiction of this Court for quashing of the F.I.R.

I have heard learned counsel for the petitioners and the learned Public Prosecutor for the State. I have also perused the F.I.R. and other relevant documents placed before me.

It is contended on behalf of the petitioners that the F.I.R. in question has been lodged after 11 years of the alleged sale-deed. It is at best a civil dispute between the parties and no criminal offence whatever is made out even if allegations in the F.I.R. are taken on their face value. The petitioners are debarred from invoking the provisions of 438 Cr.P.C. for anticipatory bail for offences under the Act of 1989. So, the police is bent upon arresting them in this case. He has, therefore, urged that their arrest may be stayed till the investigation is concluded.

Learned Public Prosecutor has vehemently opposed the contentions. He has submitted that the F.I.R. cannot be and ought not to be quashed at the initial stage because it will deprive the police from making honest and fair investigation in the case. The F.I.R. can be quashed in exercise of the inherent jurisdiction of this Court only where a case falls in any one or more categories mentioned in the case of **State of Haryana Vs. Bhajan Lal : AIR 1992 SC 604.**

It may be stated at the outset that from a perusal of the F.I.R. it cannot be said that the alleged offences are not disclosed from the

allegations made in the complaint/F.I.R. The allegations in the complaint/F.I.R. cannot be dubbed at this stage to be totally false or without any basis. Simply because the F.I.R. has been lodged after 11 years of the execution of the allged forged sale-deed does render by itself the case false or unbelievable.

I, therefore, do not find any valid and cogent reason to quash the F.I.R. at this initial stage of the investigation. It will be clear only after investigation and collection of the evidence/materials during the course of investigation as to whether the allegations in the F.I.R. are true and well-founded or not.

Consequently, this petition under Section 482 Cr.P.C. which seeks quashing of the F.I.R. is hereby dismissed.

(HARBANS LAL), J.

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